

Doug M. Taylor, KS Bar #23690
Kansas State Board of Pharmacy
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BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)
New England Compounding Center,) Case No. 12-181
Kansas Registration No. 22-02071.)

CONSENT AGREEMENT

COMES NOW, the Kansas State Board of Pharmacy ("the Board"), and reviews the file on the New England Compounding Center ("Respondent").

THEREUPON, being duly advised on the matter, the Board and Respondent agree to the following:

WAIVER OF RIGHTS

Respondent understands that it has the following rights in this case: The right to discovery, a hearing before the Board, and if found in violation of the Kansas Pharmacy Act, the right to appear before the District Court and Kansas appellate courts pursuant to the Kansas Judicial Review Act (the "KJRA").

Respondent hereby acknowledges its right to be represented by a lawyer of its own choosing. Knowing these rights, Respondent, by signing this agreement, knowingly and voluntarily suspends these rights at this time, including the right to a hearing by the Board.

FACTS

1. The Board is charged with the administration of the Kansas Pharmacy Act (K.S.A. § 65-1626, *et seq.*) (the "Pharmacy Act") and with the enforcement of the rules and regulations promulgated thereunder.

2. Respondent is located at 697 Waverly St., Framingham, Massachusetts 01702.
3. Respondent is currently registered as a non-resident pharmacy in the State of Kansas having been issued Registration No. 22-02071.
4. During the times in question, Respondent routinely shipped various pharmaceutical products into the State of Kansas.
5. Pursuant to laws and regulations pertaining to pharmacies, the Board is authorized to conduct hearings, summary proceedings, and emergency proceedings under the Kansas Administrative Procedure Act (K.S.A. § 77-501, *et seq.*) ("KAPA"). K.S.A. § 65-1663(c)(4). Such proceedings may result in suspension, revocation, and other disciplinary actions affecting Respondent's registration as a non-resident pharmacy in the State of Kansas.
6. Pursuant to K.A.R. 68-7-12a(a), in order to remain registered in the State of Kansas, a non-resident pharmacy must be currently licensed or registered in good standing in the state in which it is located.
7. On October 3, 2012, Respondent agreed to voluntarily surrender its license in its home state of Massachusetts.
8. Since Respondent is no longer licensed in its home state of Massachusetts, it cannot hold a non-resident pharmacy registration in the State of Kansas.
9. On October 25, 2012, the Board approved an Order of Emergency Suspension, placing Respondent's registration on indefinite suspension.

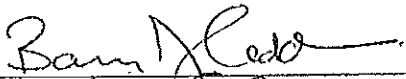
TERMS AND CONDITIONS

1. Respondent agrees to voluntarily surrender its registration to operate as a non-resident pharmacy in the State of Kansas to the Board, along with all indicia of licensure, within 60 days from the date this Consent Agreement becomes final. This voluntary surrender will be treated as a revocation for reporting purposes.
2. If Respondent wishes to obtain a non-resident pharmacy registration in the State of Kansas at any point in the future, it must first petition the Board to do so. Upon obtaining permission from the Board, Respondent agrees to then participate in the full application process prior to obtaining such registration.

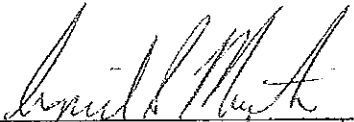
CONSENT OF THE KANSAS STATE BOARD OF PHARMACY

This Consent Agreement is not binding upon the Board until it has been reviewed and agreed to by the Kansas State Board of Pharmacy at its next quarterly meeting, to be held November 30, 2012.

The parties below have read this Consent Agreement, know and understand its contents, and agree to comply with its terms. Respondent specifically agrees to waive the constitutional rights enumerated above.

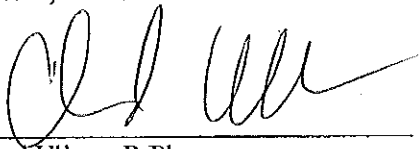

NAME: Barry J. Capoen
New England Compounding Center
697 Waverly St.
Framingham, MA 01702

Date: 11/19/12


Tom Reece Ingrid S. Martin
Legal Counsel for Respondent

Date: 11/20/2012

Collora LLP
100 High St.
Boston, MA 02110



Chad Ullom, R.Ph.
Investigative Member
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

Date: 11/30/12



Doug M. Taylor
Compliance Counsel
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

Date: 11/26/12

APPROVAL OF THE BOARD OF PHARMACY

This Consent Agreement has been reviewed by the Kansas State Board of Pharmacy and is agreed to as of the date stated below.



David Schoech, R.Ph., President
Kansas State Board of Pharmacy
800 SW Jackson St., Ste. 1414
Topeka, KS 66612

Date: 11-30-2012

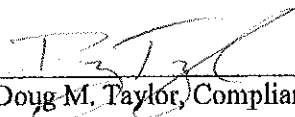
CERTIFICATE OF SERVICE

I hereby certify that on this 30 day of November, 2012, I deposited a true and correct copy of the above and foregoing Consent Agreement in the United States Mail, postage prepaid, and addressed to:

Barry Cadden
New England Compounding Center
697 Waverly St.
Framingham, MA 01702

and

Tom Reece
Legal Counsel for NECC
Collora LLP
100 High St.
Boston, MA 02110



Doug M. Taylor, Compliance Counsel